

REMARKS

Replacement drawings for Figs. 1-3 are enclosed as requested by the Examiner to provide formal drawings. No new matter has been added to the drawings.

Claims 1-3, 5-12, and 18-24 were rejected under 35 U.S.C. § 102 (b) as being anticipated by Bowling (US 6,357,159). Further claims 1-2, 5-12, and 18-24 were rejected under 35 U.S.C. § 102 (b) as being anticipated by Williams (US 6,289,626). Claims 1-5, 7, 10-13, and 15 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Hartly (US 5,813,899).

Claims 1, 10, and 19 have been amended to distinguish them from the cited prior art. Claim 1 now requires an apparatus for attracting an animal comprising means for generating a sound imitating the sound of a footfall of the animal. Claims 10 and 19 have also been amended to require a sound imitating a sound of a footfall of the animal. Bowling's decoy device does not generate a sound that imitates the sound of a footfall of an animal. Regarding claim 1, the creating of the sound of rustling grass in Bowling is not the same as generating the sound imitating the sound of a footfall as required in claim 1. Further generating the noise of deer antlers clashing, as disclosed in Williams, is not the same sound as imitating a sound of a footfall of the animal. In addition, the noise generating mimics of a woodpecker as disclosed in Hartley is not the same as means for generating a sound imitating the sound of a footfall of the animal. Therefore, claim 1 is believed to be allowable over the prior art. Regarding claim 2, Bowling discloses dragging his decoys across the ground to generate the sound of rustling grass. Bowling does not show or disclose his decoy or any portion of his decoys operable to selectively strike a surface. Therefore claim 2 is believed to be allowable over the Bowling patent.

Claim 3 has been amended to require that the blunt comprises a substantially soft hemispherical surface contacting the surface when struck. None of the cited prior art show or disclose a hemispherical surface that contacts the surface when struck. In Bowling the surface contacting the ground is flat. Only the side portions have an oval configuration. Claim 5 has now been amended to require that

the means further comprises a blunt operable to selectively and vertically strike a surface. None of the prior art show or disclose this feature. Claim 9 has now been amended to require a plurality of elastic cords communicating with the blunt. None of the prior art show or disclose this feature. Claim 10, in addition to requiring means for generating a sound imitating a sound of a footfall of an animal, also requires a blunt operable to selectively strike the ground and means for positioning the blunt relative to the ground. Claim 13 has been amended to require that an anchor is engageable with the second end of the spring and positionable with respect to the ground. None of the prior art shows or discloses these features.

Regarding the method claims 19-24, none of the prior art show or disclose a method for attracting an animal which comprises the step of generating a sound imitating a sound of a footfall of the animal with sound generating means. In each of the cited prior art the sounds generated by the disclosed devices do not include sounds to imitate the sound of a footfall of the animal. Therefore the method claims 19-24 are believed to be allowable.

The allowance of claims 14-16, and 17 have been noted. However the Applicant wishes to not rewrite them in independent form, since it is believed that the claims from which they are dependent are also allowable.

This Amendment should place this case in condition for passing to issue. Such action is requested.

Respectfully submitted,

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